In the High Court of Punjab and Haryana, Chandigarh.

Civil Revision No. 4625 of 2007

Date of Decision: 20.12.2007

Satish and Others

…Petitioners

Versus

Bharamdev and Others

…Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr. S.K.Sharma, Advocate
for the petitioner.

Mr. Akshay Bhan, Advocate
for respondent No.1.

RAJESH BINDAL, J.

The challenge in the present petition is to the order dated September 4, 2007 passed by learned District Judge, Rewari, whereby the application for injunction filed by the petitioners/plaintiffs, was dismissed.

The primary contention of learned counsel for the petitioners was that permission to set up a brick kiln has been granted to respondent No.1 totally in contravention to the Haryana Control of Bricks Supplies Order, 1972 (for short "the Order"). Still further it is submitted that in fact for installation of brick kiln, respondent No.1 is not adhering to the conditions laid down in the permission regarding pollution. Keeping in view the contention raised by both the parties and to see that no pollution is caused, this Court vide order dated October 29, 2007, directed the Haryana State Pollution Control Board, Sector 6, Panchkula to get the brick kiln, namely, M/s R.B. Bhatta Company, Village Lookhi, Tehsil Kosli, District Rewari, inspected by the Environmental Engineer and send a report to this Court as to whether the emissions from the brick kiln are within the parameters of law or not. The report of the Environmental Engineer has been submitted to this Court, according to which the emissions from the brick kiln are within the parameters of law. It is not in dispute that the

permission has been granted by the official respondents to respondent No. 1 for setting up of brick kiln against which the petitioners are raising grouse.

Once it is found that the emissions from the brick kiln are within the parameters of law and the brick kiln has been set up after due permission of the official respondents in terms of provisions of the Orders, I do not deem it justified to restrain respondent No.1 from operating the brick kiln and accordingly while concurring with the views expressed by learned District Judge, in the impugned order, dismiss the present petition.

However, keeping in view the concern of the petitioners, who are residents of the area, it is directed that trial of the suit be completed on or before November 30, 2008.

The revision petition is disposed of.

(Rajesh Bindal)
Judge

December 20, 2007
"DK"